

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Tuesday, June 11, 2002 – 9:00 a.m. – Room 416 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Mike Dmitrich  
Sen. Ed Mayne  
Rep. James R. Gowans  
Rep. Merlynn T. Newbold  
Speaker Martin R. Stephens

**Members Absent:**

President Al Mansell  
Sen. Michael G. Waddoups  
Rep. Judy A. Buffmire

**Staff Present:**

Mr. Arthur L. Hunsaker, Research Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

**1. Committee Business**

Chair Ure called the meeting to order at 9:13 a.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the May 7, 2002 meeting. The motion passed unanimously.

**2. R477-14 Substance Abuse and Drug-Free Workplace**

Chair Ure introduced the issue, explaining that a constituent brought the issue to his attention.

Ms. Jean Mills-Barber, Human Resource Director, DHRM (Department of Human Resource Management), responded to questions regarding due process when agencies discipline employees based on drug test results. She indicated that DHRM has a Medical Review Officer who reviews drug test results (both positive and negative). She explained that DHRM establishes the range of action which may be taken by agencies when employees have positive drug test results, but the agencies have statutory authority to implement disciplinary action. She also explained that some employees are regulated by federal guidelines, such as employees who must retain a commercial driver's license (CDL) as a job requirement, which may be more stringent than state guidelines.

Mr. Jeff Herring, Administrative Consultant, DHRM, explained that UCA 67-19-18 provides due process for employees, which is incorporated into R477-11.

Mr. Phillip Dyer, attorney, Utah Public Employees Association, explained the due process for appeal of public employees. He indicated that the process permits an employee to appeal to the executive director or designated representative, and that this "hearing" is merely an informal discussion to request that employment termination be reconsidered. He stated that the rule should be reviewed to include more substantial requirements for that hearing.

Rep. Ure requested that staff review the issue and report its findings.

### **3. Analysis of April 15, 2002 Utah State Bulletin**

Mr. Hunsaker distributed "Analysis of April 15, 2002 Utah State Bulletin." He and Ms. Allred reviewed the analysis.

Mr. Kent Bishop, Governor's Office of Planning and Budget, and Mr. Ken Hansen, Director, Division of Administrative Rules, responded to questions that staff and committee members had regarding rules in the Bulletin.

Committee discussion followed.

Speaker Stephens suggested that the agencies involved in writing the rules that were reviewed be notified of the analysis conclusions.

### **4. Other Items / Adjourn**

The next meeting is tentatively scheduled for Tuesday, June 25, 2002 at 9:00 a.m. in room 305.

**MOTION:** Rep. Newbold moved that the Committee send a letter to the legislative Enhancement of Public Education Task Force indicating the Committee's concerns regarding the process of distributing funds as outlined in R277-477 Distribution of Funds from the School LAND Trust Lands Account. The motion passed unanimously with Speaker Stephens absent for the vote.

Sen. Mayne cited additional concerns with R909-19 Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification, which was discussed by the Committee in its October 9, 2001 meeting. He specifically referred to the issue of whether the owner may request transportation of a vehicle to a repair shop instead of an impound. He requested that staff look into the issue.

**MOTION:** Sen. Stephenson moved to adjourn the meeting. The motion passed unanimously with Speaker Stephens absent for the vote.

Chair Ure adjourned the meeting at 11:25 a.m.